

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARIO ALBERTO RODRIGUEZ,

Plaintiff,

v.

SANTA CLARA COUNTY MAIN JAIL,

Defendant.

Case No.: 5:12-cv-04028-PSG

**ORDER THAT CASE BE  
REASSIGNED WITH  
RECOMMENDATION THAT THE  
CASE BE DISMISSED**

On October 16, 2012, Plaintiff Mario Alberto Rodriguez (“Plaintiff”) failed to appear at a case management conference hearing. In advance of the conference, he did not file a case management statement. In light of these facts, the court ordered Plaintiff to show cause by written declaration no later than November 16, 2012, as to why the case should not be dismissed for failure to prosecute.<sup>1</sup> Plaintiff responded with several plausible reasons for his failure to prosecute, but since that response over ten months ago he has failed to prosecute his complaint.<sup>2</sup> The court issued another order to show cause why the case should not be dismissed for failure to prosecute on May 17, 2013.<sup>3</sup> The mailed order to show cause was returned to the court as undeliverable on

<sup>1</sup> See Docket No. 7.


<sup>2</sup> See Docket No. 9.

1 July 17, 2013.<sup>4</sup> Nonetheless, the docket reflects Plaintiff's failure to take further steps in this case,  
2 and the deadline to show cause has long since passed.

3 Accordingly, the court hereby ORDERS that this case be reassigned to a district judge with  
4 the recommendation that Plaintiff's complaint be dismissed for failure to prosecute.<sup>5</sup>  
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6 **IT IS SO ORDERED.**  
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8 Dated: October 9, 2013

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10 PAUL S. GREWAL  
11 United States Magistrate Judge  
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25 <sup>3</sup> See Docket No. 11 (requiring Plaintiff to show cause by May 31, 2013).

26 <sup>4</sup> See Docket No. 12.

27 <sup>5</sup> This court is ordering reassignment to a district judge because, absent consent of all parties, a  
28 magistrate judge does not have the authority to make case-dispositive rulings. *See, e.g., Tripathi v. Rison*, 847 F.2d 548, 548-49 (9th Cir. 1988).